REMARKS

Entry of this Preliminary Amendment before continued examination of the instant application is respectfully requested. Claims 6 and 7 have been amended. Claim 8 has been canceled. No new matter has been added. Upon entry of this Amendment, claims 6, 7, 9 and 25 remain in the application. New claim 26 has been added herein. Support for this new claim may be found throughout the specification and claims as filed. Reconsideration of the claims is respectfully requested.

Claim 6 has been amended herein to incorporate most of the subject matter of claim 8, as well as to state that the pharmaceutical solution consists essentially of the vehicle and the active pharmaceutical ingredient. Claim 7 has been amended to remove the term "Class 3 Solvent", which the Examiner alleges to be new matter.

The disclosure was objected to because of the following informalities: it contains an embedded hyperlink and/or other form of browser-executable code.

In response to the Examiner's objection to the specification, Applicant has deleted all of the embedded hyperlinks and/or other forms of browser-executable code which occurred in the paragraph beginning on page 8, line 20. Therefore, it is submitted that the objection has been obviated.

Claims 7 and 25 stood rejected (in the final Office Action dated May 17, 2007) under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In light of the amendment to claim 7, which removes the term "Class 3 Solvent", it is submitted that the rejection has been traversed and overcome, and withdrawal of the same is respectfully requested.

Claims 6-9 and 25 stood rejected (in the final Office Action dated May 17, 2007) under 35 U.S.C. §103(a) as being unpatentable over Patel et al. Furthermore, claims 6-9 and 25 stood rejected (in the final Office Action dated May 17, 2007) under §103(a) as being unpatentable over Gardella et al. in view of Patel et al.

As previously mentioned, claim 6 has been amended herein. The invention as defined in revised claim 6, and those claims depending therefrom, relates to a pharmaceutical solution capable of being ejected from a thermal fluid ejection device onto a substrate. The pharmaceutical solution consists essentially of: a vehicle to

substantially evaporate from a substrate when deposited thereon; and an active pharmaceutical ingredient with a solubility of at least about 30mg/ml in the vehicle. The vehicle is at least one selected from a group including: 2-pyrrolidone (2-P), 1,2 hexanediol, sodium xylene sulfonate, ethylene glycol mono-phenyl ether, dimethyl sulfoxide (DMSO), n-methyl pyrrolidone (NMP), hydroquinone, cyclodextrines, and glycerin.

Both Patel and Gardella teach an active pharmaceutical ingredient being combined with a carrier and a small amount of solubilizer. The solubilizer in both Patel and Gardella may be 2-pyrrolidone or several other possible solubilizers. The greatest proportion of the combination pharmaceutical/carrier is taken up by the carrier. The solubilizing ingredients of Patel and Gardella, such as 2-pyrrolidone, are not taught as possible carriers, nor is there the suggestion that they could be used as carriers.

This is in sharp contrast to Applicant's claims, in which the listed vehicle acts as a carrier of the pharmaceutical ingredient until evaporation. One of the main reasons for such a difference is that Patel and Gardella are both directed to pharmaceutical compositions which are used in a different form than the pharmaceutical solution defined in Applicant's claims. In the case of Patel, the compositions are in the form of aqueous dispersions. In the case of Gardella, the compositions are in the form of tablets. There is no teaching in either Patel or Gardella about achieving a liquid form of the pharmaceutical that is capable of being ejected from a thermal fluid ejection device onto a substrate, after which the vehicle of the pharmaceutical solution very quickly evaporates from the substrate. Thus, it is submitted that neither Patel nor Gardella teach or suggest that a solubilizing component, such as 2-pyrrolidone, could be used alone as a carrier.

In light of the above amendments and arguments, Applicant asserts that the invention as defined in the pending claims is patentable over Patel alone, or over a combination of Gardella with Patel. Neither Patel nor the combination of Gardella with Patel anticipates, teaches or renders obvious the pharmaceutical solution of Applicant's independent claim 6.

For all the reasons stated above, it is submitted that Applicant's invention as defined in claim 6, and those claims depending therefrom, is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record. As such, Applicant respectfully requests that the §103 (a) rejections of claims 6, 7, 9 and 25 be withdrawn.

In summary, claims 6, 7, 9 and 25 are pending in the application. New claim 26 has been added herein. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims and in light of the above amendments and remarks, is now in a condition suitable for allowance. Further and favorable consideration is requested.

If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.

/Juliet R. Kavanaugh/

Juliet R. Kavanaugh
Attorney for Applicant
Registration No. 53424
(248) 649-9900
julietk@troypatent.com

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813

Dated: August 17, 2007
WBH/JRK/hmp